

## CERTIFICATE OF MAILING

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being submitted via the USPTO EFS Filing System; Mail Stop Petition; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

Date:

May 8, 2009

Rebecca A. Bellas



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application

Applicant:	Reesink, et al.	:	Art Unit:	1797
Filed:	March 22, 2006	:	Examiner:	Prem C. Singh
Serial No.	10/573,051	:		
		:		
Title:	PROCESS FOR THE REMOVAL OF SULFUR COMPOUNDS FROM HYDROCARBON FEEDSTOCKS			

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT FOR FAILURE TO RECEIVE OFFICE ACTION UNDER 37 CFR 1.181(a)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Petition is hereby taken to the Director from a Notice of Abandonment mailed March 17, 2009 for a matter to be determined directly by or reviewed by the Director and to invoke the supervisory authority of the Director to withdraw the holding of

abandonment. A Notice of Abandonment was mailed March 17, 2009 because a Reply to an Office Action mailed February 4, 2008 was never filed. Applicants acknowledge that a Reply to the Office Action mailed February 4, 2008 was never indeed filed. However, the Office Action mailed February 4, 2008 was mailed to an incorrect address (the address was NOT that of the assignee nor the agent of record). In this connection, neither Applicants nor Applicant's agent of record never received or had knowledge of the Office Action mailed February 4, 2008. Moreover, a search of the assignee's and agent of record's records, including the file jackets and the application contents indicates that the Office action was never received. It is believed that somehow a mistake was made at the USPTO in matching an address with the subject application.

A copy of the cover page of the Office Action mailed February 4, 2008 is attached hereto as Exhibit A. Mr. Davis is NOT the owner nor agent of record for the subject application, and Mr. Davis' address in Calgary, Canada is NOT the assignee's address nor the address of the agent of record. Attached hereto as Exhibit B is the Filing Receipt, indicating that Mr. Davis in Calgary, Canada is the correspondence address. Obviously, a mistake occurred at the USPTO in matching an address with the subject application. Consequently, neither the below-signed agent of record nor the assignee received the Office Action mailed February 4, 2008. Applicants therefore request that the USPTO send the Office Action originally mailed February 4, 2008 to the correct address for the subject application.

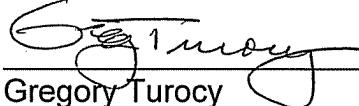
Legal support for the Petition/request exists in *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), where the court decided that the USPTO should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office Action was never received may be considered in a Petition to Withdraw the Holding of Abandonment. The incorrect correspondence address and the above statement of non-receipt constitute an adequate showing to establish nonreceipt of the Office Action from the USPTO.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable resolution of this Petition, the Director or Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-1063.

Respectfully submitted,

**TUROCY & WATSON, LLP**



\_\_\_\_\_  
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# EXHIBIT A



## UNITED STATES PATENT AND TRADEMARK OFFICE

*ccw*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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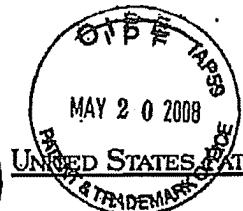
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,051	03/22/2006	Bernard Hendrik Reesink	4872	8981
26323	7590	02/04/2008	EXAMINER	
ROY J DAVIS				SINGH, PREM C
2425 BOWNESS RD, NW				
CALGARY, AB T2N-3L8				
CANADA				
ART UNIT		PAPER NUMBER		
		1797		
MAIL DATE		DELIVERY MODE		
02/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# EXHIBIT B

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UNITED STATES DEPARTMENT OF COMMERCE  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE RECD	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/573,051	03/22/2006	1764	900	4872		20	1

## CONFIRMATION NO. 8981

26323  
ROY J DAVIS  
2425 BOWNESS RD, NW  
CALGARY, AB T2N-3L8  
CANADA

## FILING RECEIPT



\*OC000000022187206\*

Date Mailed: 01/29/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

### Applicant(s)

Bernard Hendrik Reesink, Doorn, NETHERLANDS;  
Nico Van Gasteren, Houten, NETHERLANDS;

### Assignment For Published Patent Application

Engelhard Corporation, Iselin, NJ

Power of Attorney: The patent practitioners associated with Customer Number 23623.

### Domestic Priority data as claimed by applicant

This application is a 371 of PCT/NL04/00639 09/15/2004

### Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 03077830.2 09/23/2003

If Required, Foreign Filing License Granted: 01/26/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/573,051**

Projected Publication Date: 05/10/2007

Non-Publication Request: No